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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,799	09/10/2003	Seong-Jin Moon	1293.1723	1813
49455 7590 07/07/2009 STEIN MCEWEN, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				
EXAMINER TOPGYAL, GELEK W				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 07/07/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/658,799

Applicant(s)

MOON ET AL.

Examiner

GELEK TOPGYAL

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5 and 42-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5 and 42-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 42 have been considered but are moot in view of the new ground(s) of rejection.
2. However, the examiner maintains the rejection regarding Kato the use of virtual playlist and an existing real playlist. This set of rejection was not a topic of discussion in the interview dated 4/22/2009 nor was it addressed in the response dated 2/12/2009.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1, 2, 4 and 5** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim recites "computer readable data storage medium", however, such language is not present in the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 2, 4, 5 and 42-45** are rejected under 35 U.S.C. 102(b) as being anticipated by Taira et al. (US 6,016,381).

7. **Regarding claims 1 and 42**, Taira et al. teaches a reproducing apparatus for reproducing data from a data storage medium (Fig. 2, Recording medium 10), comprising:

a reader (Fig. 2, optical head 32) which reads a first file (Col. 29, lines 29-50 teaches of PGCs described in the form of a search point table (VTS_PTT_SRPT 299) that is stored in the VTSI file) comprising reproduction information for reproducing audio visual stream data (Figs. 28, VOBS of the audio/video/SP data), the reproduction information comprising information indicating a reproduction interval of the audio visual stream data and a second file comprising navigation data the navigation data including control commands which are used to select the reproduction information from the data storage medium (Col. 40, line 47 through col. 42, lines 39-44 (See also Fig. 27) teaches of a VMG file including a TT_SRPT 279 that is used by the system upon selection of a particular title by a user (as discussed in col. 41, line 63 through col. 42, line 45) to control the acquisition and further reproduction of the desired title (using VTS_PTT_SRPT to perform playback of one particular PCG/title)); and

a controller (Fig. 1, system CPU section 50 that controls the functions of the system) which reproduces the audio visual stream data from the data storage medium based on the first file and the second file (as discussed above with the discussion between VTS_PTT_SRPT stored in the VTST file and the TT_SRPT stored in the VMG file),

wherein the first file and the second file are recorded separately on the data storage medium (Figs. 26, 27 and 44 teaches wherein the two files are recorded separately).

Regarding claims 2 and 43, as discussed above, the VOBS units includes audio and video data.

Regarding claims 4 and 44, as discussed above, the VTST file is recorded separately, logically and physically from the second layer in Figures 26, 27 and 44.

Regarding claims 5 and 45, as discussed above and illustrated in Figure 26 wherein the VMG file is recorded in a layer above the VTST file.

8. **Claims 1, 2, 4, 5 and 42-45** are rejected under 35 U.S.C. 102(e) as being anticipated by Kato et al. (US 2002/0164152).

9. **Regarding claims 1 and 42**, Kato et al. teaches a reproducing apparatus for reproducing data from a data storage medium (Fig. 1, Recording medium 100), comprising:

a reader (Fig. 1, Readout unit 28) which reads a first file (met by Real Playlists as described in paragraphs 166 and 172 and thoroughly illustrated in Figs. 2-14)

comprising reproduction information for reproducing audio visual stream data (Figs. 2-14, Clip AV stream/"M2TS"), the reproduction information comprising information indicating a reproduction interval of the audio visual stream data and a second file comprising navigation data which is used to select the reproduction information from the data storage medium (paragraph 172-176 and 184 teaches of Virtual Playlists created by specifying a domain in the Real playlists. IN and OUT points set in the Virtual Playlist corresponds to the Real Playlist and not the clip directly. Therefore, upon reproduction of the Virtual playlist, the IN and OUT points set controls/uses the Real Playlist to reproduce the desired portions in the clip); and

a controller (Fig. 1, Controller 23 that controls the functions of the system) which reproduces the audio visual stream data from the data storage medium based on the first file and the second file (as discussed above wherein a Virtual Playlist controls/uses a Real playlist to reproduce the Clip AV stream/M2TS file),

wherein the first file and the second file are recorded separately on the data storage medium (Fig. 14 and 23 and paragraph 29 teaches wherein the Virtual playlist and the Real playlist are stored separately as separate files (.rpls and .vpls)).

Regarding claims 2 and 43, as discussed above, the Clip AV stream includes audio and video data.

Regarding claims 4 and 44, as discussed above, the playlist file is recorded separately, logically and physically from the second layer in Figure 14.

Regarding claims 5 and 45, as discussed above and illustrated in Fig. 14.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621